

Remarks/Arguments:

Applicant wishes to thank the Examiner for his detailed comments. As Examiner has grouped his actions by sections, Applicant will respond to these sections one by one.

DETAILED ACTION

Examiner has stated:

“This is a final Office Action in response to communications filed by Applicant on June 13, 2008. The amendment of claims 1 and 14 has been entered. Therefore, claims 1-5, 9-10, 12-27 and 31 remain pending and have been addressed below.”

No response is believed to be necessary.

Specification

1. Examiner has stated:

“The disclosure is objected to because of the following informalities: Page 9, line 10 recites “has previously be activated” which should instead state --has previously been activated--.

“Page 10, lines 6 and 7 recites “travel’s” and “travel” respectively where both should instead state --traveler’s-- and --traveler--. Appropriate correction is required.”

It is thought that the current amendments to the disclosure correct these informalities. Applicant respectfully requests that the objections be withdrawn.

Claim Objections

2. Examiner has stated:

“Claim 1 is objected to because of the following informalities: line 10 recites “the additional commentary” despite the absence of the introduction of this limitation earlier in the claim. Line 10 also recites “images” which is not preceded by either “the” or “said” despite the introduction of this limitation on line 7.”

“Claim 5, line 2 discloses the limitation “sound files” without a preceding “the” despite the recitation of ‘sound files’ in claim 1. Appropriate correction is required.”

It is thought that the current amendments to the claims correct these informalities. Applicant respectfully requests that the objections be withdrawn and these claims allowed.

Claim Rejections -35 USC § 112

3-4. Examiner has stated:

“Claims 1-5, 9-10, 12-27 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“Regarding claim 1, lines 8 and 12 recite ‘can be’ and line 9 recites “may be”. These phrases lead to confusion as to the claim scope for at least two reasons. First, this functional language is not positively recited, but merely recited as possibility. Thus, it is not clear whether the functions following these phrases need be included to read on this claim. Second, no structure is recited to perform these functions, unlike were a processor claimed and stated to perform the aforementioned functions.”

It is thought that the current amendments correct these informalities. Applicant respectfully requests that the objections be withdrawn and these claims allowed.

Examiner has stated:

“**Regarding claim 14**, line 16 recites “can be”, which renders the claim indefinite for the aforementioned reasons.”

It is thought that the current amendments correct these informalities. Applicant respectfully requests that the objections be withdrawn and these claims allowed.

Claim Rejections -35 USC § 103

5-6. Examiner has stated:

“Claims 1-3, 5, 9,12,14-16,18-24, 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waibel (2003/0164819 A1) in view of Safai (6,715,003).

“Regarding claims 1, 14,15,18, 21-23, 26-27, Waibel discloses a travel assistant device comprising a travel assistant device (Fig. 1) comprising:

a hard disk drive including at least one database (Fig. 2, item 101);

a digital camera (Fig. 2, item 103);

a microphone (Fig. 2, item 105);

a display screen (Figs. 1-2, item 102);

at least one speaker (Fig. 2, item 104);

database software ([0030] via programming code) by which images and sound input from said digital camera and said microphone are stored in said hard disk drive as a personal log database (Fig. 2, item 203; [0030]-[0032] disclose audio and video data stored in memory 203), which can be displayed on said display screen and through said speaker ([0029] discloses processor 202 can convert output signals for display 102, headphones 104), where said personal log database may be updated by the additional commentary and images as desired ([0040] via “memory 203 includes a database with information related to the type of object that are to be identified.. .”; [0060] via “the user may also update or populate the database”; [0057] discloses this information or commentary relating to the images found in the database), and where said database software retrieves downloaded database information which includes images and text which act as a travel instructor ([0059] via “user downloads information into the database”; [0057] discloses this information relates to objects encountered while traveling, which examiner construes to acts a travel instructor), and where said downloaded database information can be augmented by images as desired ([0061] via “After populating the database, the user points the digital camera 103 towards and object to be identified and records the scene.” Note Examiner construes above memory 203 to be the database and because video data is recorded by the user the database is augmented);

a portable translator device which includes an Optical Character Recognition engine (Fig. 1, item 205; [0049]), which takes input of graphic images of words from said digital camera (Fig. 3, item 303; [0047]) in a language unfamiliar to the user and converts them to characters in said unfamiliar language (Fig. 3, item 304-306; [0049]-[0050] discloses the first language to be Chinese, which [0007] discloses can be unknown), and a dictionary module which takes said characters generated by said Optical Character Recognition engine and produces translated files in a language familiar to the user (Fig. 3, item 307; [0050]), and outputs said translated files to said view screen and at least one speaker ([0011] discloses the device outputs translation information, while [0029] states output information occurs on speaker and screen); and

a Global Positioning System (GPS) module wherein said GPS module allows downloads of interactive digital guide information, and said GPS allows tracking of the user [0060].

Waibel fails to disclose the database information includes sound files and that the database information can be augmented by additional commentary as desired. Waibel also fails

to disclose the personal log database is found within the same embodiment as the optical character recognition and dictionary module.”

“However, Safai discloses a handheld device (abstract) where said database information includes sounds files and can be augmented by said additional commentary as desired (Col. 12, lines 54— Col. 13, line 13). Furthermore, it is notoriously common in the art to integrate functions of separate handheld devices into one device.

“Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to combine the travel assistant device as disclosed by Waibel with the use of sound files and the ability to add desired commentary as disclosed by Safai in order to provide audio navigation guidance. Further, it would have been obvious to one having ordinary skill in the art at the time of invention to integrate the two embodiments as disclosed by Waibel into one embodiment in order to avoid having to carry two separate handheld devices in order to possess both translational and object recognition capabilities.”

Applicant respectfully asserts that there is error in the examiner’s statements. The actual text of the *Safai* reference recites:

“Optionally, a user may record a voice or text message, or both, and associate such message(s) with the selected photos and addresses. To record and associate a message, the user selects an appropriate provided button (not shown). FIG. 4F is an example of a display 446 generated during a message step of the image transport application. The display 446 includes a Record button 448, a Play button 450, and a Done button 452 to facilitate voice message recording. The display 446 also includes a message text input field 454, as well as a Cancel button 415a, a Back button, 415b, and a Save button 456.

“To record a voice message, the user can tap or touch the Record button 448 with a finger, stylus, or by any other appropriate method of selection. In response, the transport application 230 begins receiving digitized voice information from the microphone 216 through the interface 218 (see FIG. 2). In one embodiment, the transport application 230 calls one or more functions of the operating system 226 or kernel 222 to obtain digitized voice information from the interface 218. The user speaks into the microphone 216 and speaks any desired message. For example, the voice message recorded by the user may be a commentary on one or more images, such as “Hi, Grandma, here are the photos of the grandchildren,” or any other desired voice annotation for one or more images.” (Col. 12, lines 54— Col. 13, line 13).”

Thus, the cited *Safai* reference discloses only associating a voice message with selected photos and addresses.

In contrast to this, Claim 1 currently recites:

1. A travel assistant device comprising:
 - a hard disk drive including at least one database;
 - a digital camera;
 - a microphone;
 - a display screen;
 - at least one speaker;
 - database software by which images and sound input from said digital camera and said microphone are stored in said hard disk drive as a personal log database, which are displayed on said display screen and through said speaker, where said personal log database are updated by additional commentary and said images as desired, and where said database software retrieves downloaded database information which includes images, sound files and text which act as a travel instructor, and where said **downloaded database information are augmented by said additional commentary and images as desired**;
 - a portable translator device which includes an Optical Character Recognition engine, which takes input of graphic images of words from said digital camera in a language unfamiliar to the user and converts them to characters in said unfamiliar language, and a dictionary module which takes said characters generated by said Optical Character Recognition engine and produces translated files in a language familiar to the user, and outputs said translated files to said view screen and said at least one speaker; and
 - a Global Positioning System (GPS) module wherein said GPS module allows downloads of interactive digital guide information, and said GPS allows tracking of the user.

The portion emphasized specifies that “said downloaded database information are augmented by said additional commentary and images as desired.”

The cited *Safai* reference basically discloses adding commentary to digital photos. It is respectfully asserted that this is different than downloading database information such as a travel guide and augmenting the information with additional commentary and images by the user. Such operations were assertedly beyond the capabilities of the cited reference at the time of its disclosure.

Applicant’s agent has not found this feature in the cited references. This feature allows the downloaded information to be updated, and made more accurate, or to be customized for the individual user, as illustrated in Figs. 5 and 7-8. This has many advantages over the prior art, in terms of personalizing the information held by the travel assistant. In the case of the shrine, which has been said to be

“red”, and isn’t, this information can be used by the traveler on future visits, or passed to another traveler, which can save much confusion.

It is respectfully asserted that this claim cannot be said to be obvious in view of the amended features. Thus, Claim 1 includes this limitation which is not found in the cited reference, and is assertedly allowable over the cited references.

Thus, Applicant respectfully requests that the rejection of Claim 1 be withdrawn and this claim be allowed.

In a similar manner, Claim 14 of the present application also recites:

14. A portable translator device comprising:
 - a hard disk drive including at least one database;
 - a digital camera which inputs graphic images of words in a language unfamiliar to the user;
 - an Optical Character Recognition engine which resides on said hard disk drive, which takes said input graphic images of words in a language unfamiliar to the user and converts them to characters in said unfamiliar language;
 - a dictionary module which is downloadable to said at least one database on said hard disk drive, and which takes said characters generated by said Optical Character Recognition engine and produces translated files in a language familiar to the user;
 - at least one output device which takes said translated files and outputs them to the user;
 - a Global Positioning System (GPS) module wherein said GPS allows downloads of interactive digital guide information, and said GPS allows tracking of the user; and
 - a personal log database, and where said **downloaded interactive digital guide information is augmented by additional commentary and images as desired from said personal log database.**

Thus, as shown in the emphasized portion, this claim specifies that “said downloaded database information are augmented by said additional commentary and images as desired.” This limitation is not found in the cited *Safai* reference, as discussed above.

Thus, Claim 14 includes this limitation which is not found in the cited reference, and is assertedly allowable over the cited references. Thus, Applicant

respectfully requests that the rejection of Claim 14 be withdrawn and this claim be allowed.

Further, Claims 4-5, 10 and 12 are dependent on independent Claim 1, and Claims 15, 17, 19-23 and 25-27 are dependent on Claim 14 and inherit by their dependence the assertedly novel and non-obvious features of Claims 1 and 14. Thus, Applicant respectfully requests that the rejection of Claims 1, 4-5, 10, 12, 14-15, 17, 19-23, 25-27 be withdrawn and these claims be allowed.

Examiner has stated:

“Regarding claim 2, Waibel further discloses the travel assistant device **comprises a** touch-screen display ([0080].”

Claim 2 is dependent on independent Claim 1 and inherits by its dependence the assertedly novel and non-obvious features of Claim 1.

Thus, Applicant respectfully requests that the rejection of Claim 2 be withdrawn and this claim be allowed.

Examiner has stated:

“Regarding claims 3 and 16, Waibel further discloses said display screen displays slides (Fig. 5, item 507 discloses retrieval of information, while [0057] discloses what information is to be displayed which examiner construes constitutes a slide.”

Claim 3 is dependent on independent Claim 1, and Claim 16 is dependent on Claim 14 and inherit by their dependence the assertedly novel and non-obvious features of Claims 1 and 14.

Thus, Applicant respectfully requests that the rejection of Claims 3 and 16 be withdrawn and these claims be allowed.

Examiner has stated:

“Regarding claim 5 and 19, Waibel further discloses said at least one speaker plays sound files (Fig. 1, item 104; [0029]).

Claim 5 is dependent on independent Claim 1, and Claim 19 is dependent on Claim 14 and inherit by their dependence the assertedly novel and non-obvious features of Claims 1 and 14.

Thus, Applicant respectfully requests that the rejection of Claims 5 and 19 be withdrawn and these claims be allowed.

Examiner has stated:

“Regarding claims 9 and 24, Waibel discloses a travel assistant device that produces files (Fig. 6, item 602-603).

“Waibel fails to disclose the travel assistant device produces HTML files for output to web sites.

“However, Safai discloses a system for files (abstract) where HTLM files are produced for output to web sites (Col. 16, lines 30-50).

“Therefore, it would have been obvious to one having ordinary skill in the art to combine the travel assistant device as disclosed by Waibel with creating HTML file for web uploading as disclosed by Safai in order to allow for direct uploading to the internet of travel material for friends and family to quickly view.”

Claim 9 is dependent on independent Claim 1, and Claim 24 is dependent on Claim 14 and inherit by their dependence the assertedly novel and non-obvious features of Claims 1 and 14.

Thus, Applicant respectfully requests that the rejection of Claims 9 and 24 be withdrawn and these claims be allowed.

Examiner has stated:

“Regarding claims 12 and 20, Waibel further discloses a text-to-speech engine ([0028]).”

Claim 12 is dependent on independent Claim 1, and Claim 20 is dependent on Claim 14 and inherit by their dependence the assertedly novel and non-obvious features of Claims 1 and 14.

Thus, Applicant respectfully requests that the rejection of Claims 12 and 20 be withdrawn and these claims be allowed.

7. Examiner has stated:

“Claims 4,10,17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waibel in view of Safai (6,715,003) and further in view of Harrington et al. (2003/0 145338).

“Regarding claim 4,10, 17 and 25, Waibel discloses the travel assistant displays and produces streaming images (Fig. 6, item 602; [0029] discloses processor 202 can convert output signals for display 102, headphones 104).

“Neither Waibel nor Safai disclose the streaming images are MPEG movies.

“However, Harrington discloses a system for manipulating video files (abstract) where MPEG files are used as streaming video files ([0020]).

“Therefore, it would have been obvious to one having ordinary skill in the art to combine the travel assistant device as disclosed by Waibel and Safai that to use MPEG files as the streaming images as disclosed by Harrington in order to provide a convenient and industry standard file type for the streaming images.”

Claims 4 and 10 are dependent on independent Claim 1, and Claims 17 and 25 are dependent on Claim 14 and inherit by their dependence the assertedly novel and non-obvious features of Claims 1 and 14.

Thus, Applicant respectfully requests that the rejection of Claims 4, 10, 17 and 25 be withdrawn and these claims be allowed.

8. Examiner has stated:

“Claims 13 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waibel in view of Safai (6,715,003) and further in view of Kennewick et al. (2003/0145338 A1).

“**Regarding claims 13 and 31**, Waibel further discloses the travel assistant emits audio files ([0029] discloses processor 202 can convert output signals for display 102, headphones 104).

“Neither Waibel nor Safai disclose that the audio files are used with an MP3 player.

“However, Kennewick et al. discloses a mobile speech based device (abstract) that uses MP3 filed as audio filed ([0168]).

“Therefore, it would have been obvious to one having ordinary skill in the art to combine the audio files of the travel assistant device as disclosed by Waibel and Safai with the use of MP3 files as disclosed by Kennewick in order to provide a convenient and industry standard file type for the audio files.”

Claim 13 is dependent on independent Claim 1, and Claim 31 is dependent on Claim 14 and inherit by their dependence the assertedly novel and non-obvious features of Claims 1 and 14.

Thus, Applicant respectfully requests that the rejection of Claims 13 and 31 be withdrawn and these claims be allowed.

Response to Arguments

9. Examiner has stated:

“Applicant’s arguments with respect to claim 1-5, 9-10, 12-27 and 31 have been considered but are moot in view of the new ground(s) of rejection.

“The amendment of independent claims I and 14 has resulted in the change of Waibel as a secondary reference to the primary reference. Applicant on page 11 of the Response to Arguments Section, in arguing that combination of the cited references was non-obvious, states that “it is perhaps telling that the Examiner has had to use four different references to allegedly find these cited features.”

“Examiner respectfully disagrees. While a total of four references are cited, no individual claim is rejected under more than three references. Given the analogous nature of these references their combination thereof is deemed obvious.”

Applicant's agent has not found all the features of independent claims 1 and 14 in the cited references. The present invention has features that allow downloaded information to be updated, and made more accurate, or to be customized for the individual user, as illustrated in Figs. 5 and 7-8 of the present application. This has many advantages over the prior art, in terms of personalizing the information held by the travel assistant. In the case of the shrine, which has been said to be "red", and isn't, this information can be used by the traveler on future visits, or passed to another traveler, which can save much confusion.

Applicant feels that the new grounds of rejection have been addressed in the discussion above. However, Applicant would like to reiterate his general comments on the subject of obviousness.

It has often been said that nearly all new inventions are combinations of existing elements. If every invention that used combinations of previously known elements was considered to be obvious, then nearly every invention produced in the last century would be considered unpatentable. The mere fact that previous elements are known, cannot be fairly said to make an invention obvious to one skilled in the art. It is likely that all the elements of nearly any patented invention could be found in prior patent references, if enough prior art patent references are cited.

It is respectfully asserted that the present invention has element which have been used in a novel and non-obvious manner, and which has many advantages over the prior art.

It is thus requested that the claims remaining in this case be allowed.

Conclusion:

Applicant has endeavored to put this case into complete condition for allowance. It is thought that the objections to the claims and specification and the §112 and §103 rejections were overcome by the present amendments or were unfounded on the cited references. Applicant therefore respectfully asks that the rejections be withdrawn and that allowance of all claims presently in the case now be granted.

If the Examiner would like to discuss any of the points involved in the Response, he is urged to contact Applicant's Attorney at the numbers included below.

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